

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

**MICHELE NILSEN, ET AL., ON BEHALF)
OF THEMSELVES AND ON BEHALF OF)
OTHERS SIMILARLY SITUATED,)**

PLAINTIFFS

v.

YORK COUNTY,

DEFENDANT

CIVIL No. 02-212-P-S

Arrestees sued York County over strip searches conducted at the York County Jail. On December 18, 2003, Judge Hornby certified a class under Federal Rule of Civil Procedure 23(b)(3) that included all people strip searched at the York County Jail after October 14, 1996, under a policy or custom of conducting strip searches without evaluation for individualized reasonable suspicion: (1) while waiting for bail to be set or for a first court appearance after being arrested on charges that did not involve a weapon or drugs or a violent felony; or (2) while waiting for a first court appearance after being arrested on a default or other warrant. The Court of Appeals for the First Circuit affirmed the certification.

The parties initially proposed a settlement that included \$3.3 million to be distributed to the class members (utilizing a gender-based formula), and required York County to maintain a written policy prohibiting the challenged strip searches. After ordering one amendment allowing further opportunity for class members to exclude themselves, on April 1, 2005, Judge Hornby directed class-wide notice of the settlement based on his determination that the settlement, as amended, deserved consideration by the class.

A final fairness hearing was held on August 1, 2005. Judge Hornby subsequently disapproved of the settlement in his Order of August 18, 2005,

but only to the extent that it provided for a gender-based allocation of the funds. Once the parties amended the settlement a second time to address this issue, Judge Hornby granted final approval of the Settlement Agreement on September 8, 2005, and directed the claims administrator to begin granting claims. Resolving one of the few remaining issues, on November 10, 2005, Judge Hornby also decided that the lawyers would receive 25% of the settlement fund as a fee (\$825,000), using a "market-mimicking" approach to attorney fee awards. At that time he also directed the lawyers to file an updated account of the administration and litigation expenses.

On November 18, 2005, the Maine Department of Health and Human Services filed over 1,600 liens on the claims administrator pursuant to 19-A M.R.S.A. § 2359, claiming that many of the class members owed child support obligations. In response, the plaintiffs filed a Motion for Relief from Massive Filing of Liens on Claims Administrator by the State of Maine, arguing that lien administration would delay claimants' payments, and also that the class members' names were supposed to be kept confidential. Judge Hornby found it necessary to recuse himself on November 30, 2005, due to certain business contacts his spouse has with the Department of Health and Human Services. Chief Judge Singal ordered a hearing after the case was reassigned to him, and the parties subsequently agreed to resolve the lien enforcement issues. Chief Judge Singal then disposed of the remaining claim denial appeals and litigation expenses in his order of December 20, 2005.

At this time, the claims administrator is processing payments. Further information can be found at <http://www.yorkcountyjailclass.com>, the website for this lawsuit, or you may contact counsel:

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[Last Updated 1/6/05]